

<b>Policy name:</b>	EN5 Re-crediting VET Student Loan balance	<b>Version:</b>	3.1
<b>Policy owner:</b>	Chief Financial Officer		
<b>Approved by:</b>	Julie van Belkom, Head of Governance, Risk and Compliance		
<b>Approved date:</b>	March 2020	<b>Review date:</b>	March 2021

## SECTION 1 - INTRODUCTION

### PURPOSE

This policy outlines Selmar Institute of Education guidelines for re crediting a VET Student Loan and the decision-making process to grant the re credit. The policy is in line with the Standards for RTOs 2015 (SRTOs) and the approved VET Student Loan Provider (VSL) program.

### SCOPE

This policy applies to all employee, partners and associates of the Selmar Institute of Education (121531) in relation to re crediting a learners VET Student Loan balance due to special circumstances.

This policy includes all regulatory requirements that fall under the RTOs obligations as a registered training organisation.

### DEFINITIONS

**The Act** - Refers to the VET Student Loans Act 2016.

**Student** - Refers to students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of Study, and who access VET Student Loan for payment of their tuition fees in respect of the VET Units of Study in which they are enrolled.

**Census Date** - A published date set by the provider, no earlier than 20% of the way through a VET Unit of Study.

**RTO** – means the Selmar Institute of Education (121531)

**Tuition Fees** - Fees paid for a VET Unit of Study that is approved for VET STUDENT LOAN and applies to Students who are, or would be entitled to VET Student Loan assistance under section 9 of the Act.

**Unit or VET Unit of Study** - A VET Unit of Study approved for VET Student Loan that a Student may undertake with the provider, for which the Student may access VET Student Loan assistance to pay for all or part of their tuition fees.

**The Department** - The Commonwealth of Australia represented by the department which has the responsibility for administering the Higher Education Support Act 2003 and the VET Student Loans Act 2016.

## Incurring a VET Student Loan Debt

- A student who is, or would be, eligible for a VET Student Loan and has requested VET Student Loan Assistance may withdraw from a unit of study on or before the census date and will not incur a VET Student Loan debt for the tuition fees for that unit of study.
- Students who have requested VET Student Loan Assistance who remain enrolled after the published census date will incur a VET Student Loan debt for the unit of study in which they are enrolled.
- A student who withdraws from a unit of study after the published census date for that unit will incur a VET Student Loan debt for that unit of study.

## Re-crediting a VET Student Loan (VETSL) balance because of special circumstances

- Students who withdraw from a unit of study after the published census date, or fail to complete a unit of study, may apply to have their VETSL balance re-credited with respect to the unit of study if they believe special circumstances apply in accordance with the following procedures:

### Special Circumstances

- If a Student withdraws from a unit of study after the published census date for that unit of study, or has been unable to successfully complete a unit of study, and believes this was due to special circumstances, the student may apply to have their VETSL balance re-credited for the affected unit/s.
- Selmar Institute of Education will re-credit the student's VETSL balance if it is satisfied that special circumstances apply where:
  - These circumstances were beyond the Student's control; and
  - These circumstances did not make their full impact on the Student until on, or after the census date; and
  - These circumstances were such that it was impracticable for the Student to complete the requirements for the Unit in the period during which the Student undertook or was to undertake the Unit.
- For circumstances to be beyond a student's control, the situation should be that which a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal to be considered special circumstances.
- Selmar Institute of Education will also have regard to the following when determining special circumstances:
  - Whether a student could do enough private study, attend training sessions and other activities to meet the course requirements
  - Whether the student could complete any assessments or demonstrate competency
  - Whether the student could complete any other requirements arising because of the student's inability to do the above
- Selmar Institute of Education may have regard to the following when determining special circumstances:
  - Medical circumstances of the Student
  - Circumstances that relate to the Student personally or the Student's family

- Circumstances relating to the student's employment
- Special circumstances do not include:
  - Lack of knowledge or understanding of requirements for VET Student Loan assistance; or
  - A Student's incapacity to repay a VET Student Loan debt (repayments are income contingent and the student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

### Re-credit of a Learners VETSL balance – The Process

- Each application for re-credit of a student's VETSL balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.
- Selmar Institute of Education's General Manager-Operations is the designated officer responsible for the assessment of a student's request for a re-credit of their VETSL balance due to special circumstances and for the initial decision regarding the request.
- A student must apply in writing to the General Manager-Operations at Selmar Institute of Education, Level 2, 80 Dorcas Street, Southbank VIC 3006 within 12 months of the census date, or if the student has not withdrawn, within 12 months of the specified completion date of the unit of study.
- Selmar Institute of Education has the discretion to waive this requirement if it is satisfied that it was not possible for the application to be made within the 12 month period. Relevant supporting documentation will be required to substantiate the claim.
- The application for re-crediting a VETSL balance must include details of the:
  - Unit of study for which a student is seeking to have a VETSL balance re-credited; and
  - Special circumstances as referred to above, including supporting documentation.
- Selmar Institute of Education will consider each application within 28 days of receipt of the application. It will consider each request to re-credit a VETSL balance in accordance with the requirements of *Part 6 – Re-crediting HELP Balances* of the Act. Applicants will be notified in writing of the decision within 28 days.
- The Secretary of the Department may re-credit a student's VETSL balance in relation to special circumstances if a provider:
  - Is unable to act or being wound up or has been dissolved, or
  - Has failed to act and the Secretary is satisfied that the failure is unreasonable.

### Re-crediting a student's VETSL balance because of unacceptable conduct

- Students may apply to the Secretary of the Department for their VETSL balance to be re-credited under Section 71 of the Act.
- Section 71 allows for the Secretary to re-credit a student's VETSL balance if:
  - The provider or a person acting for the provider engages in unacceptable conduct in relation to the student's application for a VET Student Loan, or
  - The provider fails to comply with the Act or an instrument of the Act and the failure has adversely affected the student
- Applications for re-crediting under Section 71 of the Act must be made within 5 years of the census date of the VET course, unless the Secretary allows a longer period.

### Review of decision

- Where Selmar Institute of Education makes a decision NOT to re-credit a student's VETSL balance that decision may be subject to review.
- If a student is not satisfied with the decision made by Selmar Institute of Education, the student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:
  - Be made within 28 days of receipt of the original decision;
  - Include the date of the original decision;
  - State fully the reasons for applying for the review;
  - Include any additional relevant evidence.
- Applications should be made in writing to the Chief Executive Officer at Selmar Institute of Education, Level 2, 80 Dorcas Street, Southbank VIC 3006 as the designated Review Officer of any decisions relating to a request for re-crediting of a VETSL balance. The Review Officer is senior to the designated officer responsible for the original decision and was not involved in making the original decision to be reviewed.
- The Review Officer will acknowledge receipt of the application for review of a decision in writing within 10 working days
- The Review Officer will then:
  - Review the information from the original decision and then assess any new evidence provided by the student;
  - Provide written notice to the student of the decision, setting out the reasons for the decision;
  - Inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

### Reconsideration by the Administrative Appeals Tribunal

- At the time of the original decision, and at the time of the subsequent review decision, the student will be notified of their review rights and responsibilities. The relevant officer will inform a student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome, the contact details of the closest AAT office and the approximate costs of lodging an appeal. The application must be lodged at the AAT within 28 days of receiving written notice of the review decision. This time limitation can be extended in limited circumstances by order of the AAT.
- Full details of the application process and fees payable are available on the AAT's website: [www.aat.gov.au](http://www.aat.gov.au) . Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details.
- Details of closest AAT office Melbourne: Level 16, HWT Tower, Southgate 40 City Road, Southbank VIC 3006. Telephone: 03 9282 8444 or 1800 228 333 Email: [generalreviews@aat.gov.au](mailto:generalreviews@aat.gov.au)  
Details of the closest AAT office Sydney: 6/83 Clarence St, Sydney NSW 2000. Telephone: 1800 228 333. Email, refer to the AAT website. <http://www.aat.gov.au/contact-us>  
Details of the closest AAT office Brisbane: 6/295 Ann St, Brisbane City QLD 4000. Telephone: 1800 228 333 Email, refer to the AAT website. <http://www.aat.gov.au/contact-us>
- The Secretary of The Department, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon the Department's receipt of a notification from the AAT,

The Department will notify Selmar Institute of Education that an appeal has been lodged. Upon receipt of this notification from the Department, the Review Officer will provide the Department with copies of all the documents that are relevant to the appeal within ten business days.

### Publication

- These procedures are published on Selmar Institute of Education website: [www.selmar.edu.au](http://www.selmar.edu.au) to ensure students have up to date and accurate information publicly available to them.

### Records Management

All documentation from marketing processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

### Monitoring and Continuous Improvement

This policy and subsequent practices are monitored by Selmar Institute of Education and areas of change are implemented through continuous improvement. (See Continuous Improvement Policy)

## SECTION 3 - LEGISLATIVE CONTEXT

Name	Section
VET Student Loans	Clause 4.8.15

## SECTION 4 - VERSION CONTROL

Version #	Approval Date	Approved by	Details
1.1	25 May 2017		Document creation
2.0	26 June 2018	Tash Hartig	Reflected VSL and reformatted document
3.0	2 March 2020	Julie van Belkom	Minor amendments to clarify process
3.1	25 May 2020	Julie Van Belkom	Updated document number from EN4 to EN5